

Chapter 19 Emergency Practice of Telemedicine

Scope

~~100~~ These regulations apply to only those individuals licensed to practice medicine or osteopathic medicine in the state of Mississippi and who are performing duties as employees of the University of Mississippi Medical Center. This regulation does not authorize any communication across state lines.

Definitions

- ~~2100~~ For the purpose of Chapter 19 only, the following terms have the meanings indicated:
1. “Physician” means any person licensed to practice medicine or osteopathic medicine in the state of Mississippi.
 2. “Telemedicine” is the ~~diagnosis or treatment of human injury, illness and diseases using interactive audio, video or data communications by electronic or other means.~~ practice of medicine using electronic communication, information technology or other means between a physician in one location and a patient in another location with or without an intervening health care provider. This definition does not include the practice of medicine through postal or courier services.
 3. “Teleemergency medicine” is a unique combination of telemedicine and the collaborative/~~supervisory~~ consultative role of a physician board certified in emergency medicine, and an appropriate skilled health professional (nurse practitioner or physician assistant).

Licensure

~~200~~ The practice of medicine is deemed to occur in the location of the patient. Therefore only physicians holding a valid Mississippi license are allowed to practice telemedicine in Mississippi. However, a valid Mississippi license is not required where the evaluation, treatment and/or medicine given to be rendered by a physician outside of Mississippi is requested by a physician duly licensed to practice medicine in Mississippi, and the physician who has requested such evaluation, treatment and/or medical opinion has already established a doctor/patient relationship with the patient to be evaluated and/or treated.

Informed Consent

~~300~~ The physician using telemedicine should obtain the patient’s informed consent before providing care via telemedicine technology. In addition to information relative to treatment, the patient should be informed of the risk and benefits of being treated via a telemedicine network including how to receive follow-up care or assistance in the event of an adverse reaction to treatment or if there is a telemedicine equipment failure.

Physician Patient Relationship

~~400~~ In order to practice telemedicine a valid “physician patient relationship” must be established.

The elements of this valid relationship are:

- verify that the person requesting the medical treatment is in fact who they claim to be;
- conducting an appropriate examination of the patient that meets the applicable standard of care;
- establishing a diagnosis through the use of accepted medical practices, ie., a patient history, mental status exam, physical exam and appropriate diagnostic and laboratory testing;
- discussing with the patient the diagnosis, risks and benefits of various treatment options to obtain informed consent;
- insuring the availability of appropriate follow-up care; and
- maintaining a complete medical record available to patient and other treating health care providers.

Examination

500 Physicians using telemedicine technologies to provide medical care to patients located in Mississippi must provide an appropriate examination prior to diagnosis and treatment of the patient. However, this exam need not be in person if the technology is sufficient to provide the same information to the physician as if the exam had been performed face to face.

Other exams may be appropriate if a licensed health care provider is on site with the patient and is able to provide various physical findings that the physician needs to complete an adequate assessment. However a simple questionnaire without an appropriate exam is in violation of this policy and may subject the physician to discipline by the Board.

Medical Records

600 The physician treating a patient through a telemedicine network must maintain a complete record of the patient's care. The physician must maintain the record's confidentiality and disclose the record to the patient consistent with state and federal laws. If the patient has a primary treating physician and a telemedicine physician for the same medical condition, then the primary physician's medical record and the telemedicine physician's record constitute one complete patient record.

Board Review

300 The same requirements as outlined in Chapter 09 shall apply.

Collaborative/Supervising/Consultative Physician Limited

4700 No physician practicing telemergency medicine shall be authorized to function in a collaborative/supervisoryconsultative role as outlined in Chapter 09 unless his or her practice location is a Level One Hospital Trauma Center that is able to provide continuous twenty-four hour coverage and has an existing air ambulance system in place. Coverage will be

authorized only for those emergency departments of licensed hospitals who have an average daily census of thirty (30) or fewer acute care/medical surgical occupied beds as defined by their Medicare Cost Report.

Reporting Requirements

5800 ~~Quarterly~~ Annual reports detailing quality assurance activities, adverse or sentinel events shall be submitted for review to the Mississippi State Board of Medical Licensure by all institutions and/or hospitals operating telemergency programs. ~~The Board of Nursing requires, in addition to these regulations, submission of quarterly reports to the Board of Nursing and reserves the right to re-evaluate and change reporting requirements, if need be.~~

Effective Date of Regulation

600 — The above rules and regulations pertaining to telemergency medicine shall become effective October 18, 2002.

Amended October 15, 2003. Amended November 4, 2004. Amended January 30, 2006.